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PROPOSED REVISIONS TO THE MEDIUM-TERM PLAN FOR THE PERIOD 1992-1997

MAJOR PROGRAMME VII. HUMAN RIGHTS, FUNDAMENTAL FREEDOMS AND HUMANITARIAN AFFAIRS

Programme 35. Promotion and protection of human rights

1. The preparation, format and content of the medium-term plan and its revisions are governed by the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation.

2. Regulation 3.11 provides, inter alia, that the medium-term plan shall be revised as necessary every two years to incorporate required programme changes and that the proposed revisions shall be as detailed as required to incorporate the programme implications of the resolutions and decisions adopted by the intergovernmental organs or international conferences since the adoption of the plan.

3. The revised programme 35, Promotion and protection of human rights, submitted below replaces the narrative of programme 35 of the medium-term plan for the period 1992-1997, which was adopted by the General Assembly in its resolution 45/253 of 21 December 1990 and subsequently revised by the Assembly in its resolution 47/214 of 23 December 1992 and issued in document A/47/6/Rev.1 and Corr.1. The new text has been elaborated as a result of the adoption by the World Conference on Human Rights, held from 14 to 25 June 1993, of the Vienna Declaration and Programme of Action, subsequently endorsed by the General Assembly in its resolution 48/121 of 20 December 1993.

PROGRAMME 35. PROMOTION AND PROTECTION OF HUMAN RIGHTS

A. Programme

1. General orientation

35.1 The Charter of the United Nations includes among the purposes of the Organization the achievement of international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion. On that basis and that of articles 13, 55 and 56, the United Nations has built an extensive programme for the promotion and protection of human rights. That programme is founded on numerous international treaties and declarations prepared and adopted by the United Nations and includes a system of monitoring the implementation of treaties through expert committees; fact-finding procedures relating to serious violations of human rights; procedures for dealing with complaints of violations from individuals and groups; ongoing projects of research into emerging human rights issues; preparation of new international standards; a programme of advisory services and technical assistance; and public information and educational activities.

35.2 The framework for the future development of the United Nations Human Rights Programme lies in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights and subsequently endorsed by the General Assembly in its resolution 48/121 of 20 December 1993. The Conference reaffirmed the basic principles governing international human rights activities, set out specific goals in a wide number of areas and identified various methods to achieve those objectives, including strengthening international cooperation. The Conference adopted an integrated, holistic and universal approach to the promotion and protection of all human rights based on the equal dignity and importance of all human rights, civil, cultural, economic, political and social, the interdependent and interrelated nature of human rights and on the need for concerted action to promote and protect human rights by the components of the United Nations system. It called for greater attention to be given to the implementation of economic, social and cultural rights. As a basic principle of human rights, the Conference reaffirmed that the human person is the central subject of human rights, should be the principal beneficiary and should participate actively in the realization of human rights.

35.3 The Conference recognized the mutually reinforcing interrelationship between democracy, development and respect for human rights and focused attention on the impact of extreme poverty and exclusion on the enjoyment of human rights and the need for action to eliminate extreme poverty and social exclusion. It further recognized the importance of implementing the right to development as a human right, of building democratic institutions, of respecting human rights in the administration of justice and providing remedies for violations. In connection with peace-keeping operations, the Conference recommended that the reporting, experience and capabilities of the Centre for Human Rights and the human rights mechanisms be taken into account.

35.4 The World Conference attached special importance to the integration of the status and human rights of women into the work of the United Nations human rights organs, and to strengthening protection for women's rights through new procedures and the establishment of closer ties between the organs dealing with women's issues and human rights in the United Nations. Special importance was also given to protecting the rights of children, including children in especially difficult circumstances and the girl child, to protecting trade union rights, the rights of vulnerable groups, such as migrant workers, minorities and indigenous people, and to ensuring that members of those groups participated in the search for solutions to their own problems. The Conference called upon all competent organs, bodies and agencies to review and monitor progress in protecting the rights of persons in those different groups.

35.5 An important premise underlying the Vienna Declaration is that every human being should be enabled effectively to enjoy his or her human rights wherever they live and without discrimination. Thus, the Declaration called for universal ratification of human rights treaties and protocols and for a concerted effort to be made for that purpose and provided for special attention to be given to the progress made towards that objective in 1998. The year 1995 was set as the target date for universal ratification of the Convention on the Rights of the Child and the year 2000 for the Convention on the Elimination of All Forms of Discrimination Against Women.

35.6 The importance of the equal enjoyment of human rights was repeatedly underlined and the World Conference called for an end to racism, racial discrimination, xenophobia and other forms of discrimination and for concerted action at all levels to promote equality, dignity and tolerance. The World Conference also emphasized the important contribution that education and public information can make to the promotion and protection of human rights.

35.7 In addition to laying down general principles, the World Conference adopted guidelines for future action. The Vienna Declaration thus recommended that priority be given to national and international action to promote democracy, development and human rights and that assistance be provided in the human rights aspects of democratic elections, in the strengthening of the rule of law, the promotion of freedom of expression, the administration of justice, and in the real and effective participation of the people in decision-making processes. In that context the World Conference strongly recommended that a comprehensive programme be established within the United Nations in order to help States in the task of building and strengthening adequate national structures that have a direct impact on the overall observance of human rights and the maintenance of the rule of law. The Conference recommended that States consider preparing national plans of action that could be supported by the United Nations comprehensive programme.

35.8 The World Conference also called for the strengthening and improving of existing mechanisms of implementation for international treaties and the fact-finding special procedures, and recognized the necessity for a continuing adaptation of United Nations human rights machinery to current and future needs.

35.9 A key result of the World Conference was the realization that cooperation among Governments, the United Nations, other international organizations,

national human rights institutions and non-governmental organizations is essential for the effective promotion and protection of human rights. The role of the United Nations in the promotion and protection of human rights must be strengthened, renewed and revitalized if the promises of the Vienna Declaration and Programme of Action are to be kept. United Nations bodies, specialized agencies, regional intergovernmental organizations and national human rights institutions all have important contributions to make in that overall coordinated approach. Thus, the Conference called for an annual United Nations coordination meeting at a high level as one element in that approach.

35.10 The Vienna Declaration also contained provisions for review by the General Assembly and Commission of Human Rights of progress made in implementing its provisions.

35.11 At its forty-eighth session, the General Assembly, in addition to endorsing the Vienna Declaration and Programme of Action, acted on a number of specific suggestions of the Conference, notably with regard to the proposals for three decades for action designed to give United Nations activities in human rights greater focus: one related to indigenous people, one to human rights education and one against racism and racial discrimination.

35.12 At the same session, the General Assembly also established the post of United Nations High Commissioner for Human Rights as the United Nations official with principal responsibility for United Nations human rights activities, under the direction and authority of the Secretary-General (resolution 48/141 of 20 December 1993).

35.13 The High Commissioner is responsible for promoting and protecting the effective enjoyment by all of all civil, cultural, economic, political and social rights; promoting and protecting the realization of the right to development and enhancing support from relevant bodies of the United Nations system for that purpose; providing, through the Centre for Human Rights and other appropriate institutions, advisory services and technical and financial assistance in the field of human rights; coordinating relevant United Nations education and public information programmes in that field; playing an active role in removing the current obstacles and in meeting the challenges to the full realization of all human rights and in preventing the continuation of human rights violations throughout the world; engaging in a dialogue with all Governments with a view to securing respect for all human rights; and carrying out tasks assigned to him by the competent bodies of the United Nations system in the field of human rights and making recommendations to them with a view to improving the promotion and protection of all human rights.

35.14 The High Commissioner is also responsible for enhancing international cooperation for the promotion and protection of all human rights; coordination of the human rights promotion and protection activities throughout the United Nations system; rationalization, adaptation, strengthening and streamlining of the United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness and overall supervision of the Centre for Human Rights.

2. Overall strategy

35.15 Achieving the objectives of the United Nations human rights programme, in particular within the framework of the Vienna Declaration and the mandate of the High Commissioner for Human Rights, will require a multifaced strategy consisting of:

(a) Increased international cooperation in the field of human rights among Governments, international organizations, regional organizations, non-governmental organizations and the United Nations;

(b) The adoption of an integrated and global approach within the United Nations system to the promotion and protection of human rights;

(c) Achieving universal ratification of the basic human rights treaties as soon as possible (the Convention on the Rights of the Child by 1995 and the Convention on the Elimination of All Forms of Discrimination against Women by 2000);

(d) The adoption of specific measures and procedures to achieve the integration of the status and human rights of women into all human rights activities;

(e) Developing ways and means for the effective promotion and protection of the realization of the right to development and enhancing support from relevant bodies of the United Nations system for that purpose;

(f) Developing ways and means to undertake effective action to bring human rights violations to an end, to prevent violations and to identify and overcome obstacles to the enjoyment of human rights;

(g) Developing and implementing an improved and expanded advisory service programme and the preparation of a comprehensive United Nations programme of assistance;

(h) Giving equal attention to all human rights and finding ways to improve the definition and protection of economic, social and cultural rights;

(i) Developing means of ensuring an impartial and non-selective approach to the promotion of human rights and of dealing with violations on a worldwide basis;

(j) Implementing the programme of action for the International Decade of the World's Indigenous People;

(k) Implementing the programme of action for the Third Decade to Combat Racism and Racial Discrimination;

(l) Implementing the programme of action for the United Nations decade for human rights education;

(m) Strengthening and improving the implementation of international human rights treaties;

(n) Strengthening and improving the work of the Commission on Human Rights, the Subcommission on Prevention of Discrimination and Protection of Minorities and their working groups;

(o) Strengthening and improving the special procedures mechanisms relating to phenomena of human rights violations and specific situations;

(p) Strengthening the capacity of the United Nations in the area of research and standard setting;

(q) Developing and implementing an overall programme of human rights public information within the World Public Information Campaign for Human Rights.

3. Subprogramme structure and priorities

35.16 The programme on promotion and protection of human rights will consist of the following subprogrammes:

Subprogramme 1	International cooperation for human rights
Subprogramme 2	Implementation of international instruments
Subprogramme 3	Fact-finding and special procedures
Subprogramme 4	Petitions and appeals
Subprogramme 5	Legislation and prevention of discrimination and research and standard setting
Subprogramme 6	Technical advisory services and publications

B. Subprogrammes

SUBPROGRAMME 1. INTERNATIONAL COOPERATION FOR HUMAN RIGHTS

(a) Objectives

35.17 The legislative authority for the subprogramme derives from the Charter of the United Nations; General Assembly resolutions 48/121 and 48/141; the Vienna Declaration and Programme of Action; and Commission on Human Rights resolution 1994/95.

35.18 The achievement of the human rights objectives fixed in the Charter, the international human rights instruments and the Vienna Declaration and Programme of Action requires the development of a strong programme of international cooperation and inter-agency coordination and the preparation of a substantive

policy for successful cooperation and progress in the promotion and protection of human rights.

35.19 Opening a dialogue with all Governments with a view to securing respect for all human rights is a crucial element in the new United Nations approach to promotion and protection of human rights. This will enable the moral influence of human rights and the international community to be used in an objective, impartial and non-selective way to help identify human rights problems, bring about consideration of possible solutions and improve respect for human rights.

35.20 The main aim of subprogramme 1 is to ensure that a coherent policy on human rights matters is developed and maintained throughout the United Nations system.

35.21 Increased coordination and cooperation within the United Nations system, between the United Nations and other international organizations, with the non-governmental organization community and with grass-roots organizations will also be required. Within the United Nations this means ensuring that all agencies, bodies and programmes better understand the interrelationship between their activities and the protection of human rights and the contribution that respect for human rights can have in achieving their own objectives. Human right objectives must be integrated into the objectives and policies of the various agencies, bodies and programmes concerned. Human rights must also be integrated into United Nations early warning, peacemaking and peace-keeping activities and into post-conflict peace-building.

35.22 A comprehensive effort will be required to achieve universal ratification of the principal United Nations human rights treaties. This means the involvement of all actors and bodies from the Commission on Human Rights, the Secretary-General, the High Commissioner, to agency heads, the press and the non-governmental organization community. The integration of the status and human rights of women into the work of the United Nations human rights organs, strengthening protection for women's rights through new procedures and establishing closer ties between the organs dealing with women's issues and rights in the United Nations will also be the object of a special programme of activities.

35.23 The Vienna Declaration called for the United Nations to develop a comprehensive approach and for States to consider drafting national plans of action for human rights that the United Nations could support. Setting up such a programme will be an ambitious challenge, as will its operation and administration. Also, the integration of projects designed to promote the right to development and its economic, social and cultural components will be important tasks. Another important element will be connecting closely the advisory services programme with the work and recommendations of the various human rights committees, such as that on the right of the child and on economic, social and cultural rights, and seeking ways of associating them with the preparation of national plans of action. Further, the out-posting of human rights officers as resource persons in the area of advisory services and information and the opening of human rights offices, at the request of Governments, has already shown its usefulness and should become an element of growing importance in the programme.

35.24 Increased inter-agency cooperation in human rights education and information activities will be necessary. Laying a strong foundation of support for human rights in the general public through education and information is a crucial element in achieving the objectives of Vienna. Non-governmental organizations and Governments attach growing importance to human rights education. The Vienna Declaration contained significant paragraphs on the subject and the General Assembly has foreseen a United Nations decade for human rights education. Public information about human rights is also another important area for the development of overall programmes.

35.25 There are a number of other specific objectives under this subprogramme that need stronger comprehensive review and action within and outside the United Nations system through cooperation, including determining ways to promote and protect the enjoyment of all human rights, including the right to development, methods of bringing violations of human rights to an end, identifying obstacles to the enjoyment of human rights and finding ways to overcome them, and rationalizing human rights machinery.

(b) Course of action of the Secretariat

35.26 To achieve the objectives listed above, it is envisaged:

(a) To establish dialogue with Governments in order to promote and protect all human rights, particularly facilitating the ratification of international human rights instruments, identifying obstacles to the full realization of all human rights, including the right to development and ensuring the largest possible enjoyment of all rights through expert advice, technical assistance, cooperation and building up the necessary human rights infrastructures;

(b) To ensure preventive action in the field of human rights and to assist, as appropriate, the preventive diplomacy of the Secretary-General;

(c) To develop a comprehensive United Nations system-wide strategy for the implementation of the right to development and through concerted efforts to ensure recognition of economic, social and cultural rights at the national, regional and international levels;

(d) To define United Nations system policy in the field of human rights with regard to cooperation with regional organizations active in the field of human rights and international and regional development and financial institutions. Cooperation with those organizations aims at complementarity of action and the achievement whenever possible of common objectives and policies;

(e) To define United Nations policy with regard to national institutions for the promotion and protection of human rights. In that connection, the necessary contacts with existing human rights national commissions throughout the world will be developed and strengthened;

(f) To maintain contact at the highest level in order to coordinate human rights matters and seek to achieve a coherent approach in the implementation of human rights policies by United Nations officials, as well as by the various United Nations agencies and programmes or funds having significant human

rights-related activities. Consultations and cooperation will be further developed or strengthened with UNICEF, UNDP, UNFPA, UNHCR, ILO, UNESCO and WHO, and all United Nations financial institutions and regional commissions as appropriate, in order to review policy issues in the field of human rights, the level and degree of cooperation and possible joint action or priority concerns;

(g) To contribute to the implementation of the appropriate recommendations of the Administrative Committee on Coordination on human rights matters;

(h) To seek the cooperation of non-governmental organizations, academic institutions and the media in enhancing international cooperation for human rights, particularly in the area of human rights education and information, not least in view of the decade for human rights education to be launched in December 1994;

(i) To provide direction and priority of action to advisory services and technical and financial assistance programmes in the field of human rights through the Centre for Human Rights and other appropriate institutions; to coordinate the development of comprehensive United Nations programme of assistance in the field of human rights;

(j) To develop policy analysis and policy initiatives with respect to international cooperation in the field of human rights within and outside the United Nations system;

(k) To provide direction and priority of action for the implementation of the human rights objectives in the Vienna Declaration and Programme of Action and to report annually to the Commission on Human Rights and the General Assembly on the implementation of the Declaration and Programme of Action.

SUBPROGRAMME 2. IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS

(a) Objectives

35.27 The legislative authority for the subprogramme derives from General Assembly resolutions 2106 A (XX), 2200 A (XXI), 2443 (XXII), 3068 (XXVIII), 33/173, 36/151, 39/46, 44/25, 44/128, 44/135 and 45/158, 47/111 and 48/121; and the Vienna Declaration and Programme of Action.

35.28 Strengthening the international legal framework for the promotion and protection of human rights was a fundamental concern of the World Conference on Human Rights and was reflected in its Vienna Declaration and Programme of Action. It thus set universal acceptance of international human rights instruments as an important objective and called for concerted efforts to that end. The Conference also called for special attention to be given to achieving universal ratification in the 1998 review of progress made in implementation of the Vienna Declaration. The Conference further focused on specific instruments for particular attention and encouraged States to consider limiting the extent of reservation to international instruments, to formulate them as precisely and narrowly as possible and to review them regularly with a view to withdrawing them. It recommended that the Centre for Human Rights make available to States,

upon request, assistance on specific human rights issues, including the preparation of reports under human rights treaties.

35.29 The World Conference stressed the importance of further concrete action within the framework of the United Nations with a view to providing assistance to victims of torture.

35.30 The objectives of subprogramme 2 are:

(a) To ensure continuing implementation of international norms and treaties in the field of human rights, including:

(i) The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty;

(ii) The International Convention on the Elimination of all Forms of Racial Discrimination;

(iii) The International Convention on the Suppression and Punishment of the Crime of Apartheid;

(iv) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(v) The Convention on the Rights of the Child;

(vi) The International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families, after its entry into force;

(vii) Such other conventions dealing with human rights as may be adopted by the United Nations;

(b) To respond to the recommendations of the Vienna Declaration and Programme of Action concerning the strengthening of the international legal framework for the promotion and protection of human rights;

(c) To improve the functioning of treaty bodies, including their monitoring tasks.

(b) Course of action of the Secretariat

35.31 The activities of the Secretariat are, in the first place, determined by the relevant conventions themselves and by the mandates entrusted to the Secretariat by treaty bodies, particularly with regard to the procedures for examination of reports. These include country analyses, lists of issues, draft conclusions and recommendations, and draft annual reports. Other means of action include the encouragement of further ratifications or accessions to the international instruments on human rights, as recommended by the Vienna

Declaration and Programme of Action, the enhancement and deepening of the dialogue between the States parties to those instruments and the relevant monitoring bodies, such as the Committee on the Elimination of Racial Discrimination, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee against Torture and the Committee on the Rights of the Child, the future Committee on the Protection of the Rights of Migrant Workers and Members of Their Families, the Group of Three on Apartheid; the promotion of further exchanges of experience among Governments on the application of international instruments and standards; and the improvement of United Nations procedures for monitoring States' compliance with their treaty obligations, particularly through the utilization of consolidated reporting guidelines and the computerization of the work relating to reporting of the treaty monitoring bodies.

35.32 The dissemination of information on international norms is emphasized as an integral part of the efforts to promote the application of international norms. To that end, regional and subregional meetings are organized with a view to familiarizing appropriate officials with the contents of the treaties, encouraging ratification and identifying and resolving obstacles preventing ratification or compliance with treaty obligations. Regional and subregional meetings are also organized to train government officials from States parties to human rights instruments in the preparation of state reports to treaty bodies.

35.33 The Convention against Torture is the only human rights instrument that provides for an inquiry procedure. The Secretariat assists the Committee against Torture in its confidential inquiries by gathering and analysing information received, preparing and conducting missions in the field and preparing reports and summaries of the findings.

35.34 The implementation of the Convention on the Rights of the Child is posing a new and in some ways different challenge to the United Nations. In accordance with the Convention, information and expert advice has been mobilized from many different sources, such as specialized agencies, UNICEF and non-governmental organizations, to support the work of the Committee on the Rights of the Child. For the first time in the annals of the United Nations, a treaty body is charged with promoting all the human rights of a specific group - the children of the world - and is assisting in bringing about real changes in the way they live. New and imaginative methods of turning international norms into national realities are being developed by the Committee on the Rights of the Child, in particular by following up its recommendations to States parties and holding regional meetings.

35.35 Furthermore, the recent establishment of new treaty bodies requires an increased coordination of activities to improve their functioning. As recommended in the Vienna Declaration and Programme of Action, human rights treaty bodies, biennial meetings of chairpersons of the treaty bodies and meetings of States parties to human rights instruments continue, with the assistance of the Secretariat, to take steps aimed at coordinating the multiple reporting requirements and guidelines for preparing state reports under human rights instruments.

SUBPROGRAMME 3: FACT-FINDING AND SPECIAL PROCEDURES

(a) Objectives

35.36 The basic legislative authority for this subprogramme is contained in Articles 1, 13, 55 and 56 of the Charter of the United Nations; in Economic and Social Council resolutions 5 (I), 9 (II), and 1235 (XLII); and in Commission on Human Rights resolution 8 (XXIII). Reference is also made to the Vienna Declaration and Programme of Action (in particular, Part I, para. 23, and Part II, paras. 55 to 62 and 95 to 97) and to a great number of resolutions and decisions of the General Assembly, the Economic and Social Council and the Commission on Human Rights establishing the mandates for each individual procedure or mechanism. Reference is also made to General Assembly resolution 48/141 establishing the post of United Nations High Commissioner for Human Rights.

35.37 The United Nations has promulgated a significant number of conventions and declarations on human rights. There remains a gap, however, between those internationally recognized norms and their application, and, in some situations, there is an urgent need to protect individuals and groups against serious violations of human rights and to promote the application of existing international norms through fact-finding, investigations, continuous field monitoring and public reporting thereon.

35.38 The overall objective of subprogramme 3 is to render the international human rights norms more operative. In that regard, policy-making organs, the Secretary-General and the High Commissioner for Human Rights, when considering situations of alleged violations of human rights in certain countries or territories, require objective factual information and analyses so as to be able to enter into constructive dialogues with Governments and to seek their cooperation with regard to concrete situations, incidents and individual cases, with a view to examining and investigating them in an objective manner and to recommending solutions to overcome problems of securing respect for human rights. When there is still a possibility of preventing violations to the rights to life, physical and mental integrity and security of persons, various urgent action procedures are resorted to on a regular basis. This, together with the ability of the special procedures system to intercede with Governments on the highest level and to generate, through public reporting, effective responses by the international community, constitute major tools in the efforts aimed at increased international human rights protection.

(b) Course of action of the Secretariat

35.39 In order to meet the objectives stated above, policy-making organs have created a number of extra-conventional procedures and mechanisms (special procedures) to carry out fact-finding and investigations into reported situations and cases, either through an issue-oriented or country-oriented approach. Such fact-finding or investigatory mandates are usually entrusted to qualified independent experts (special rapporteurs/representatives/experts or working groups) or, in certain cases, to the Secretary-General. In recent years the number and scope of such procedures and mechanisms has been enlarged

considerably and their mandates have been broadened and amplified, including through the establishment of field monitoring operations.

35.40 The special procedures system comprises the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs in the Occupied Territories, the Ad Hoc Working Group of Experts on Southern Africa, the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention, special rapporteurs/representatives on thematic issues, special rapporteurs/representatives on country situations and other mandates dealing with violations conferred directly to the Secretary-General. It also comprises two continuous field monitoring operations (in the territory of the former Yugoslavia and in Rwanda), as well as periodic field monitoring (concerning the situation in Iraq).

35.41 The strategies pursued in conducting fact-finding or investigatory exercises in the framework of the special procedures system are essentially aimed at establishing a dialogue with Governments and other interested parties with a view to clarifying allegations of human rights violations, investigating reported incidents and cases, preventing further violations and improving human rights protection worldwide. More specifically, the mandates given by policy-making organs for each procedure or mechanism determine the scope of action considered appropriate for each situation or phenomenon.

35.42 Field missions are an essential tool of the special procedures system in order to gain insight into the objective reality of the situation. In the coming years attention will be paid to improving access to primary sources of information and ensuring subsequent verification. Policy-making organs have decided that particularly critical situations should be monitored in a continuous fashion and important precedents have been set with the establishment of field monitoring operations under the special procedures system, such as those decided upon by the General Assembly and the Commission on Human Rights regarding the situation in the former Yugoslavia, Iraq and Rwanda.

35.43 Under this subprogramme, staff in the Centre will not only prepare for and participate in field missions and monitoring operations but also ensure that there is the necessary follow-up to such missions as well as various intercessions by the High Commissioner for Human Rights, special rapporteurs and working groups. Possibilities for joint missions in relation to several relevant procedures will be pursued whenever feasible and appropriate. The Centre will further make all organizational and substantive arrangements for annual meetings of special rapporteurs and chairmen of working groups in order to harmonize strategies and activities and to improve coordination of missions and of reporting. Coordination will also be enhanced between the special procedures and treaty-based human rights bodies and between the special procedures and the larger United Nations system.

35.44 The World Conference on Human Rights further recommended that in assuming a more active role in the promotion and protection of human rights, particular attention will be given to ensuring full respect for international humanitarian law in all situations of armed conflict. In addition, the World Conference, recognizing the important role of human rights components in arrangements

concerning some peace-keeping operations by the United Nations, recommended that the Secretary-General take into account the reporting, experience and capabilities of the Centre for Human Rights and human rights mechanisms. In that regard the Centre, under this subprogramme, will strengthen its capacity to conceptualize and carry out human rights verification missions decided upon in situations of armed conflict and of post-conflict peace-building processes, in cooperation with the relevant United Nations departments, agencies and programmes.

35.45 In connection with the responsibility conferred upon the Secretary-General and the High Commissioner for Human Rights for, inter alia, early warning and preventive action, there are close linkages between those mandates and the special procedures system. With regard to the mandate of the High Commissioner for Human Rights, the findings of special procedures, rapporteurs and experts will also serve as a basis for his dialogue with Governments. In that respect, the High Commissioner will also play an important role in the process of follow-up to recommendations made in the framework of the special procedures system, their review and the evaluation of policies and programmes based on those recommendations.

SUBPROGRAMME 4: PETITIONS AND APPEALS

(a) Objectives

35.46 The legislative authority for the subprogramme derives from Economic and Social Council resolutions 277 (X), 474 A (XV), 728 F (XXVIII), 1235 (XLII), 1503 (XLVIII) and 1990/41; Commission on Human Rights resolution 8 (XXIII); General Assembly resolutions 2106 A (XX), 2200 A (XXI), 39/46, 45/158, 48/121 and 48/141; and the Vienna Declaration and Programme of Action.

35.47 As reflected in the Vienna Declaration and Programme of Action, the World Conference on Human Rights, expressing grave concern about continuing human rights violations in all parts of the world and dismay that gross and systematic violations of human rights continued to occur in different parts of the world, recommended that the United Nations assume a more active role in the promotion and protection of human rights. The right of individuals, groups and non-governmental organizations to address their human rights concerns to the United Nations (in the form of complaints, appeals or petitions) under various confidential procedures, governed either by resolutions of policy-making organs or by international treaties, constitutes an important part of the protection mechanism of the Organization.

35.48 The objective of subprogramme 4 is to ensure the full and effective implementation of the right to petition the United Nations and to ensure that recourse procedures function effectively and provide the intended protection and remedy to victims of violations of human rights. Additionally, thousands of individuals address themselves annually to the United Nations, drawing attention to difficulties they are encountering and that cannot be dealt with under existing procedures, and seeking United Nations advice, assistance or intercession. It is also the objective of the subprogramme to ensure prompt and effective reaction to such humanitarian appeals. As requested by the Secretary-General, within the framework of preventive diplomacy, and as mandated

by policy-making organs, the subprogramme also seeks to ensure the effective carrying out of confidential studies and fact-finding missions aimed at preventing human rights violations or the continuation of human rights violations and alleviating human suffering.

(b) Course of action of the Secretariat

35.49 Under the procedure governed mainly by Economic and Social Council resolutions 728 F (XXVIII) and 1503 (XLVIII), the Secretariat replies to and summarizes yearly tens of thousands of communications and renders substantive service, including the preparation of all confidential documentation, to the closed meetings of the implementing bodies, the Subcommission on Prevention of Discrimination and Protection of Minorities and its Working Group on Communications, and the Commission on Human Rights and its Working Group on Situations. It also services independent experts appointed by the Commission or by the Secretary-General to conduct fact-finding missions and to report thereon within the framework of the procedure.

35.50 Under the treaty-based procedures for examination of individual complaints, the Secretariat corresponds with the petitioners and the States parties, prepares detailed fact sheets on the submissions of the parties, analyses the legal issues involved, drafts all recommendations and draft decisions for adoption by the treaty bodies and presents the cases to them. The decisions taken by the treaty bodies thereafter constitute the jurisprudence or case law in international human rights law. The substantive service rendered to the treaty bodies concerned, the Human Rights Committee, its Working Group on Communications and the Special Rapporteur for New Cases (procedure governed by the Optional Protocol to the International Covenant on Civil and Political Rights), the Committee against Torture (procedure governed by article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) and the Committee on the Elimination of All Forms of Racial Discrimination (procedure governed by article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination), includes the preparation of all confidential documentation issued under the procedures in question. A similar procedure, governed by article 77 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, is expected to enter into force during the period covered by the medium-term plan. Similar functions will be carried out in respect of that procedure.

35.51 In view of the emphasis placed in the Vienna Declaration and Programme of Action on the need for continuing adaptation of the United Nations human rights machinery to meet current and future needs in the promotion and protection of human rights and the necessity to harmonize and rationalize existing procedures and mechanisms, secretariat action will focus increasingly on possible ways and means to streamline and improve existing protection and monitoring mechanisms, including all confidential procedures for dealing with complaints. It is envisaged that a detailed report will be prepared on those issues.

35.52 In the light of the recommendation of the World Conference that other ways be considered to respond to acute violations of human rights, it is envisaged that preventive diplomacy and dialogue with Governments at the

initiative of the Secretary-General will become a more frequently used tool aimed at preventing violations and putting an end to massive and flagrant violations of human rights. A number of fact-finding missions, conducted within the framework of preventive diplomacy, have taken place under the subprogramme. In that context, increased emphasis will also be placed on assisting the High Commissioner for Human Rights in the mandate given to him to play an active role in removing current obstacles in the full realization of all human rights and in preventing the continuation of human rights violations in all parts of the world.

SUBPROGRAMME 5. LEGISLATION AND PREVENTION OF DISCRIMINATION AND RESEARCH, AND STANDARD SETTING

(a) Objectives

35.53 The legislative authority derives from General Assembly resolutions 1904 (XVIII), 2106 A (XX), 2541 (XXIV), 3068 (XXVIII), 3218 (XXIX), 36/55, 38/14, 41/120, 46/203, 47/135, 48/91, 48/121, 48/141, 48/166, 48/130 and 48/134; Economic and Social Council resolutions 5 (I), 9 (II) and 1235 (XLII); report of the fifth session of the Commission on Human Rights (E/1371, para. 13); and Commission resolutions 8 (XXIII), 13 (XXXII) and 17 (XXXVII), 1993/19, 1993/20, 1993/22 and 1994/25.

35.54 The commitment to human dignity and equality and to non-discrimination is one of the pillars of United Nations human rights policy. Yet many persons are denied effective enjoyment of basic human rights through discrimination on the grounds of race, sex, language or religion or because they belong to particularly disadvantaged groups. In some cases discrimination is overt. The situation of areas where discrimination is a component of law and social policy will have to be monitored in their transition to democracy. In other cases discrimination is covert, often constituting an invidious part of society that can even go unnoticed by many. In addition, many are denied full enjoyment of their human rights and suffer various forms of exclusion because they belong to particularly disadvantaged groups or sectors of society. Discrimination is intolerable in itself and a source of tensions, conflicts and strife as human beings demand respect for their inherent dignity. The very existence of discrimination is a serious threat to the universal enjoyment of human rights and to the objectives of the United Nations in promoting economic and social development and international peace and security.

35.55 In a fast-changing and increasingly interdependent world, societies are constantly confronted with new problems whose human rights aspects need to be addressed. United Nations policy-making organs are mandating new areas for research. These can be on specific aspects of already well-established rights or on emerging problems with relatively unexplored human rights dimensions. In addition, United Nations human rights organs periodically review the achievements of the human rights programme and the areas that need to be strengthened, and discuss directives for future activities. Certain areas of priority are identified for continuous review in order to ascertain whether international standards are being respected, to identify emerging problems and to determine whether new standards of mechanisms are needed. This, in turn, necessitates the preparation of reports, research, the analysis and evaluation

of information, and the conduct of mandated dialogues with Governments. Once human rights problems have been identified, the response of the international community is to develop norms, standards and the appropriate machinery for monitoring and implementation.

35.56 Accordingly, the objectives of subprogramme 5 are to contribute to efforts for the elimination and prevention of discrimination and protection of minorities and vulnerable groups.

(b) Course of action of the Secretariat

35.57 The expansion and implementation of United Nations programmes and plans of action against discrimination and for tolerance will underlie the action of the Secretariat. This will include the application of the Programme of Action of the Third Decade to Combat Racism and Racial Discrimination, activities aimed at putting an end to discrimination and racism, the efforts concerning the rights of migrant workers and their families, and the work regarding the rights of persons belonging to national or ethnic, religious and linguistic minorities and indigenous populations.

35.58 The causes and conditions leading to racism and intolerance will increasingly be the focus of research, as will new and emerging forms of discrimination. This will lead to the development of legislative and social tools better adapted to the fight against discrimination. Attention will be centred on developing models for the establishment of national institutions promoting tolerance and fighting discrimination, and on preparing model national laws against discrimination. Account will be taken of the results of 50 years' experience in the fight against racism and racial discrimination in order to identify achievements and failures, set guidelines for the future and develop new approaches for the elimination of age-old and emerging forms of discrimination.

35.59 In undertaking the implementation of the programme against racism, substantive contributions will be called for from agencies and programmes of the United Nations system, high-level focal points will be identified and the capacity and experience of non-governmental organizations will be fully utilized.

35.60 In addition, basic research will continue into such domains as the realization of the right of peoples to self-determination, economic, social and cultural rights, the interrelated nature of respect for the various human rights, freedom of opinion and expression, the right to a fair trial, impunity of perpetrators of violations of human rights, detained juveniles, national institutions for the promotion and protection of human rights, child labour and new contemporary forms of slavery. Research is being expanded into new areas such as the human rights aspect of bio-medical technology, discrimination against HIV-infected persons or people with AIDS, human rights and disability, and the new international humanitarian order, and on those issues having an impact on the enjoyment of human rights, such as the external debt and readjustment policies, toxic waste and chemical weapons. Broad questions, such as the interrelationship between peace and human rights, participation and democratization, including periodic and genuine elections, are also the subject

of studies. The question of respect for human rights in the administration of justice and during states of emergency receives continued emphasis. In that area, new standards will emerge relating to the declaration and to the application of states of emergency and respect for human rights, in particular, with regard to non-derogable rights. As a result of the above activities, certain services are needed to assist the human rights organs concerned in performing their tasks. Such assistance would include the collection and analysis of material related to the various human rights issues of the subprogramme in the form of reports for the special rapporteurs at the request of the Commission on freedom of opinion and expression, sale of children, mercenaries, and on religious intolerance and of the Subcommission on Prevention of Discrimination and Protection of Minorities on the right to a fair trial, impunity, states of emergency, compensation of victims, human rights and international peace; and reports on behalf of the Secretary-General requested by the General Assembly, the Commission on Human Rights and the Subcommission.

35.61 Standard setting will continue as mandated by policy-making organs. The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which was adopted by the General Assembly in its resolution 47/135 of 18 December 1992, needs to be followed up. Such subjects as enforced or involuntary disappearances, the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms and the right to leave any country and to return to one's own country can be expected to be dealt with by standard setting. New areas will evolve from the implementation of the Declaration on the Right to Development. The Commission on Human Rights has already identified standard-setting projects regarding the rights of indigenous people, torture and children. Other topics for standard setting will emerge from research work.

35.62 The basic challenge to the Organization in the field of research, studies and standard setting in human rights in the next decade will be to deal successfully with a growing range of interrelated and complex issues. Research and studies will be built upon a concerted effort of reflection by Governments, non-governmental organizations, experts and the academic community. Planning and coordination within the Secretariat will be improved so as to avoid duplication. The research and reference facilities of the Centre for Human Rights will be gradually developed in cooperation with the library and documentation services of the Secretariat. The research tasks relating to the activities of the United Nations in human rights over the past 40 years, as well as the detailed and extensive information submitted to the United Nations, make it imperative to establish a computerized United Nations human rights database and information network. The database will be updated continuously and made accessible, as appropriate, to Governments, specialized agencies, non-governmental organizations, academic institutions and the media through an electronic information network of the United Nations in human rights.

SUBPROGRAMME 6. TECHNICAL ADVISORY SERVICES AND PUBLICATIONS

(a) Objectives

35.63 The legislative authority for the subprogramme derives from General Assembly resolutions 217 D (III), paragraph 2; 795 (VIII), paragraph 2; 926 (X); 1905 (XVIII), paragraphs 2 and 6; 32/127, paragraph 2; 41/121; 41/129; 41/130; 41/154; 42/118; 43/90; 43/128; 44/61; 44/64; 45/99; 46/124; 46/203; 48/121; and 48/141; Economic and Social Council resolutions 5 (I); 9 (II); 1793 (LIV), paragraphs 2, 3, 5 and 6; and 1923 (LVIII), paragraphs 1 and 2; and decisions 146 (XL), paragraph (b); 1978/14; and 1987/147; and Commission on Human Rights resolutions 17 (XXIII), paragraph 5 (b); 7 (XXXII), paragraph 2; 1986/54; 1987/37 to 1987/39; 1988/74; 1989/53; 1990/58; 1990/59; 1991/49; 1991/50; 1992/51; 1992/80; 1993/87; and 1994/69.

35.64 The Vienna Declaration and Programme of Action identified key concerns and areas of priority within the advisory services and technical assistance programme. The mutually reinforcing interrelationship between development, democracy and human rights must be implemented at national and international levels. Therefore, coherent and comprehensive plans of action at the national level, which would integrate all activities within the framework of advisory services and technical assistance, are to be provided at the request of Governments. The strengthening of regional and subregional arrangements, as well as the assignment of regional and subregional human rights officers, are also areas of concern within the subprogramme.

35.65 Advisory services and technical assistance will be provided at the request of Governments and, where appropriate, regional human rights organizations. Assistance will also be provided in the conduct of elections, in particular with regard to the human rights aspects of elections and public information about elections. Training courses, expert advice or opportunities for the exchange of information or experience through national, regional or international workshops are often useful for government officials dealing with human rights questions, administrators of justice and law enforcement officials. Training of United Nations human rights and humanitarian personnel and of international civil servants is essential in assisting these target groups to recognize and deal with human rights violations and eliminate gender bias.

35.66 Without adequate public understanding or support, the activities of the United Nations for the promotion and protection of human rights cannot realize their potential. Such understanding should be enhanced by all means available, including workshops and publications, as well as the establishment of national centres for documentation and training in the field of human rights.

35.67 The objectives of subprogramme 6 are:

(a) To provide support for international cooperation aimed at building up and strengthening national and regional institutions and infrastructures that will have a long-term impact on improved implementation of international instruments on human rights and to make additional efforts to promote ratification of international instruments on human rights;

(b) To provide practical training and opportunities for exchange of information and experience to government officials or other persons whose functions are related to the promotion and protection of human rights;

(c) To provide expert and technical cooperation in the field of human rights to Governments, at their request;

(d) To increase public awareness of human rights and fundamental freedoms, taking into account in particular the human rights of women;

(e) To enhance awareness of activities of the United Nations in the field of human rights.

(b) Course of action of the Secretariat

35.68 During the period covered by the medium-term plan, priority action will be taken to ensure that all Governments, as well as relevant regional organizations, are fully and systematically informed of all activities, present and future, carried out within the advisory services and technical assistance programme. Critical evaluations of completed, as well as of ongoing programmes will be carried out regularly.

35.69 Efforts will be further enhanced to provide Governments, at their request, with advisory services and technical assistance, for instance, in building up or strengthening national institutions, strengthening the administration and justice, developing national laws in keeping with international standards and strengthening national institutions, systems and infrastructures for the ratification and implementation of human rights instruments, for the promotion and protection of human rights, as well as in incorporating the human rights component in an integrated approach to development strategies. Special attention will be given to requests in the field of human rights in those countries which have experienced problems in the implementation of human rights standards. In that connection, specific training courses will be provided for government officials dealing with the preparation and presentation of national reports to human rights supervisory bodies.

35.70 In that regard, it may be expected that more national, regional and subregional workshops and training courses will be organized for administrators of justice and government officials engaged in the implementation of international instruments on human rights and that more countries in all regions of the world will develop forms of cooperation and assistance with the Centre for Human Rights, in keeping with their specific needs. In cases where the Centre is called upon to service investigations into allegations of human rights violations as called for by the competent legislative bodies, advisory services and technical assistance can complement those activities. Regional and subregional workshops and seminars and exchanges of information designed to strengthen regional arrangements will also be organized. In addition, training materials will be developed, in particular a manual for the training of international civil servants on human rights, including gender sensitivity. Other training material will be developed for use in specific training activities focusing on peace-keeping, peacemaking and humanitarian and relief operations. Training will also be provided for United Nations human rights and

humanitarian relief personnel to assist them in recognizing and dealing with human rights abuses perpetrated in particular against women and to carry out their work without gender bias.

35.71 Within the framework of the activities for the World Public Information Campaign for Human Rights, efforts will be made to strengthen relations and cooperation with the United Nations bodies concerned and with the media, non-governmental organizations and academic institutions so as to inform people worldwide of the goals and activities of the United Nations in that sector and also to draw upon their support and assistance for the universal realization of human rights. The Centre will coordinate a programme of activities, including the holding of workshops, the publication and distribution of information and reference materials, in all regions of the world in order to inform, educate and generate public understanding and support for the objectives of the United Nations in the field of human rights. This will be done in close cooperation with the Department of Public Information, other entities of the United Nations system and the wider human rights community. Priority will be given to publications for use in technical cooperation projects, such as specialized manuals for the training of police, lawyers and judges, and election and social workers. Emphasis will also be put on other publications, such as the fact sheet series, focusing on priority issues such as rights of the child, indigenous populations and child exploitation.

35.72 The dissemination of information on human rights will continue to place emphasis on the reproduction of the texts of the international instruments, norms and standards on human rights in as many languages as possible and on making the translated texts widely available.

35.73 During the medium-term plan period, more assistance will be provided to Member States for activities aimed at building up or strengthening national and regional institutions playing a catalytic role in order to develop or strengthen the necessary regional institutions or national infrastructures responsible for promoting and protecting human rights. Training and other supportive activities will continue to be used to provide the necessary basic information and knowledge needed in institution-building and for the widest possible implementation of human rights instruments.

35.74 Thus, the United Nations will contribute to the promotion of a universal culture of human rights. It will do so by increasing the awareness of human rights and fundamental freedoms and by assisting in the establishment or strengthening of national infrastructures for the protection and promotion of human rights.